

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2022-39-T – ORDER NO. 2022-____
_____,2022**

IN	Application of NetMove)	ORDER GRANTING CLASS E
RE:	Logistics, LLC d/b/a NetMOVE)	HOUSEHOLD GOODS
	for a Class E (Household Goods))	CERTIFICATE
	Certificate of Public Convenience)	STATEWIDE AUTHORITY
	and Necessity for Operation of)	
	Motor Vehicle Carrier)	

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Application of NetMove Logistics, LLC d/b/a NetMOVE ("NetMOVE" or the "Applicant"). By its Application, NetMOVE requests a Class E Certificate of Public Convenience and Necessity ("CPCN") with authority to transport household goods statewide.

II. PROCEDURAL HISTORY

NetMOVE filed its Application with the Commission on January 18, 2022. By letter dated January 26, 2022, the Clerk's Office of the Commission instructed NetMOVE to publish the Notice of Filing ("Notice") in newspapers of general circulation. Among other things, the Notice provided information regarding the Application and advised any person who desired to participate as a party of record that a Petition to Intervene must be filed by February 25, 2022. Notice was timely published. No person intervened as a party of record.

The evidentiary hearing was held virtually on April 26, 2022, with the Honorable Justin T. Williams presiding. Applicant was represented by Charles L.A. Terreni, Esquire. The South

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Carolina Office of Regulatory Staff ("ORS"), a party of record pursuant to S.C. Code Ann. § 58-41-10(B) (Supp. 2019), was represented by C. Lessie Hammonds, Esquire.

III. EVIDENCE OF RECORD

NetMOVE is a Georgia limited liability company corporation formed on January 8, 2019. The company's President is David Thurston. Applicant was granted authority to transact business in South Carolina on December 29, 2021. NetMOVE is certified to provide intrastate transportation of household goods in Georgia and North Carolina and is also licensed to provide interstate moving services by the Federal Motor Carrier Safety Administration.

NetMOVE called its President, David Thurston, and its Vice President for North Carolina operations, Ben Lesnefsky, to testify in support of its application.

Mr. Thurston testified that NetMOVE has sufficient assets to operate in South Carolina and has no debt. While the company will initially operate from the Charlotte office, Mr. Thurston would eventually like to open an office in South Carolina. Mr. Thurston confirmed NetMOVE has adequate insurance, and is in good standing in the states in which it operates. There are no outstanding judgments or court orders against the company.

Mr. Lesnefsky has run NetMOVE's office in Charlotte, North Carolina for three years. He said people frequently inquire of NetMOVE about moving household goods between points and places in South Carolina and NetMOVE would like to serve them. Mr. Lesnefsky also confirmed the Company still owns the seven vehicles listed in the application, and has fifteen employees in Charlotte. NetMOVE runs background checks on all new hires, and its drivers must be approved by the company's insurer. The company

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trains employees in a staged area, where they are taught to pack, assemble, disassemble, and move items. Mr. Lesnefsky testified NetMOVE will primarily rely on word-of-mouth recommendations, particularly referrals from realtors, to market its services.

Mr. Lesnefsky also testified about the company's South Carolina tariff and bill of lading, and demonstrated his familiarity with both. Mr. Lesnefsky said NetMOVE understands the difference between the laws and regulations governing South Carolina and North Carolina's tariffs, and assured the Commission the company will follow South Carolina's rules when operating in the state (after the hearing, NetMOVE submitted a late-filed exhibit correcting the pagination of its proposed tariff).

On April 22, 2022, NetMOVE moved to present shipper witness testimony of David Scibor by affidavit. The Hearing Officer granted this request by Order No. 2022-39-H. Mr. Scibor is a real estate agent with Keller Williams. He has worked in North Carolina and South Carolina since 2016. Mr. Scibor testified South Carolina's housing market is strong. Mr. Scibor is frequently asked to recommend movers of household goods, and it's difficult to find qualified movers who are dependable and experienced. He would like to add NetMOVE to the list of companies he recommends for moving services and believes the public interest would be served by granting NetMOVE's Application.

ORS did not prefile testimony. By letter dated April 25, 2022, ORS stated it is "of the opinion that the Applicant will meet the requirements of fit, willing and able as required of a Household Goods Mover under the provisions of S.C. Code Ann. Regs. 103-133 (2012)."

IV. LAW

The Commission is charged with promulgating regulations to govern the operations

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of carriers of household goods. S.C. Code Ann. § 58-23-590(A). The Commission is authorized to fix or approve just and reasonable rates, fares, and charges upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service and that public convenience and necessity are not already being served in the territory by existing authorized service. S.C. Code Ann. § 58-23-1010 (2015); S.C. Code Ann. Regs. 103-133(1) (2012); S.C. Code Ann. Regs. 103-192 (2012). S.C. Code Ann. Regs. 103-133 (2012) is entitled "Proof Required to Justify Approving an Application" and for household goods applications, provides as follows:

- a. **FIT.** The applicant must demonstrate or the commission determines that the applicant's safety rating is satisfactory. This can be obtained from U.S.D.O.T. and S.C.D.P.S. safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, including safety operations in South Carolina, and agree to operate in compliance with these statutes and regulations.
- b. **ABLE.** The applicant should demonstrate that he has either purchased or leased on a long-term basis necessary equipment to provide the service for which he is applying. Thirty days or more shall constitute a long-term basis. The applicant must undergo an inspection of all vehicles and facilities to be used to provide the proposed service. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the commission's insurance requirements and the costs associated therewith. Additionally, the applicant can file a statement indicating the applicant's purpose for seeking a Class E Certificate, the applicant's 5-year plan if the commission grants the applicant a Class E Certificate, and such other information that may be contained in a business proposal.
- c. **WILLING.** Having met the requirements as to "fit and able," the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

(emphasis added) S.C. Code Ann. Regs. 103-133(1) (2012).

V. DISCUSSION

Based upon the evidence of record, NetMOVE has demonstrated it is fit, willing, and able to provide and properly perform the proposed services. Mr. Thurston testified there are no outstanding judgments pending against Applicant and Mr. Lesnefsky certified NetMOVE is familiar with and will comply with all statutes and regulations governing for-hire motor carrier services. This satisfies the "fitness" requirement.

"Able" was demonstrated by Applicant's vehicles. Applicant has also provided insurance quotes, which indicates Applicant is aware of the Commission's insurance requirements and the costs associated therewith. Further, Applicant has experience as a household goods mover.

Having demonstrated NetMOVE is "fit" and "able" to provide the proposed service, filing the Application satisfies the "willing" requirement.

Applicant has also met the public convenience and necessity requirement. Mr. Scibor, a real estate agent of six years, testified to the difficulty he encounters when recommending movers who are dependable and experienced.

VI. FINDINGS OF FACT

The Commission finds there are no outstanding judgments pending against NetMOVE. Further, Applicant is familiar with and agrees to comply with all statutes and regulations governing movers of household goods. NetMOVE is fit to appropriately perform the service described in its Application.

1. The Commission finds NetMOVE owns vehicles to provide the service described in its Application. Further, NetMOVE supplemented its Application with an

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insurance certificate. NetMOVE is able to appropriately perform the service described in its Application.

2. The Commission finds that by submitting its Application, NetMOVE has demonstrated it is willing to appropriately perform the proposed service.

3. The Commissions finds that public convenience and necessity are not already being served by existing authorized services.

VI. CONCLUSIONS OF LAW

1. The Commissions concludes that NetMOVE has demonstrated it is fit, willing, and able to appropriately perform the service described in its Application. S.C. Code Ann. Regs. 103-133(1) (2012).

2. The Commission concludes that the public convenience and necessity are not already being served by existing authorized service. S.C. Code Ann. Regs. 103-133(1) (2012).

3. The Commission concludes that a Class E (Household Goods) Certificate of Public Convenience and Necessity should be granted to NetMOVE.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED:

1. The Application of NetMove Logistics, LLC d/b/a NetMOVE for a Class E (Household Goods) Certificate of Public Convenience and Necessity is approved for the Applicant to transport household goods to points and places throughout South Carolina.

2. NetMOVE's Tariff and Bill of Lading are approved and attached hereto as Order Exhibits 1 and 2, respectively.

3. Applicant shall file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. § 58-23-10 et seq., as amended, and by S.C. Regulations 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, and S.C. Regulations 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.

4. Upon compliance with S.C. Code Ann. § 58-23-10 et seq., and the applicable Regulations for Motor Carriers, a Certificate will be issued by ORS authorizing the motor carrier services granted herein.

5. The motor carrier's services authorized by this Order may not be provided prior to compliance with the above-referenced requirements and receipt of a Certificate.

6. Failure of Applicant to either (1) complete the certification process by complying with ORS requirements within ninety (90) days of this Order, or (2) to request and obtain from the Commission additional time to comply with the requirements stated above, will cause this Order granting the Application to be null and void, and the Application will be dismissed without prejudice. No further order of this Commission is necessary.

7. Should Applicant fail to meet the requirements of this Order, ORS is requested to furnish the name and docket number of Applicant to the Commission, pursuant to the two-month reporting requirement contained in Order No. 2014-443 (May 21, 2014). If such notification is provided, the docket will be closed.

8. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION

Justin T. Williams, Chairman
Public Service Commission of
South Carolina